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LETTER DATED 24 AUGUST 1992 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

As you are aware, on 4 August 1992 I had addressed a letter to the Deputy Prime Minister of Iraq proposing that discussions on the extension of the Memorandum of Understanding governing the Inter-Agency Humanitarian Programme in Iraq take place at an appropriate level and at the earliest opportunity. On 10 August 1992 I received a reply from the Deputy Prime Minister indicating that his Government would welcome a visit to Iraq by the Under-Secretary-General for Humanitarian Affairs for this purpose. I therefore instructed Mr. Eliasson to proceed with such negotiations, which began upon his arrival in Baghdad on 17 August and concluded on 21 August 1992.

The Under-Secretary-General for Humanitarian Affairs was assisted by the Coordinator and senior officials from the United Nations programmes and agencies participating in the Humanitarian Programme (UNHCR, UNICEF, WFP and WHO). Five extensive rounds of talks were held between the two delegations, chaired on the Iraqi side by Minister for Foreign Affairs Mohammed Al Sahhaf. On 21 August lengthy discussions took place between Deputy Prime Minister Tariq Aziz and Mr. Eliasson. In addition to these talks, several meetings were held at the technical level between the representatives of United Nations programmes and agencies and the respective Government Ministers and officials. A drafting group was also established to work towards an agreed text for the MOU.

The Government of Iraq took the position that in view of the changed circumstances since the adoption of the two preceding Memoranda, the Inter-Agency Humanitarian Programme should be based upon transitional arrangements moving from an emergency phase towards "normalization" and regular cooperation with United Nations agencies. In this context, some of the exceptional measures provided for under the two earlier agreements were no longer applicable:

(a) United Nations sub-offices would no longer be permitted, but access on a functional basis would be granted for project implementation;

(b) NGO participation in the Humanitarian Programme could only be allowed subject to a separate agreement between individual NGOs and the Government of Iraq;

(c) The Guards contingent would be limited to a maximum of 150 Guards to be deployed only in the three northern Governorates with their Chief and "4 or 5 assistants" to be located in Baghdad;

(d) A separate communications system would no longer be accepted for the Humanitarian Programme inside the country;

(e) No further provision for a Government contribution in the local currency could be provided for in the MOU;

(f) The duration of the agreement could not exceed 31 December 1992.

The Government also urged that every effort be made to exempt humanitarian requirements from the imposition of sanctions, stressing the suffering these continued to inflict upon the civilian population.

The United Nations insisted that the critical and priority needs of vulnerable groups in Iraq required the continuation of the Inter-Agency Humanitarian Programme. The United Nations position with respect to the above specific points was as follows:

(a) Sub-offices or field stations were essential to participating United Nations programmes and agencies for the effective implementation of the Humanitarian Programme throughout Iraq;

(b) The participation of NGOs was an important operational requirement: the Government's insistence on separate agreements could be taken into consideration subject to the successful adoption of the MOU;

(c) The Government's limitation upon the overall strength and the location of United Nations Guards was unacceptable. United Nations and NGO participants in the Humanitarian Programme insisted upon the continued deployment of Guards, with a ceiling of 500, in order to ensure their protection, not least in view of the serious deterioration in the current security situation;

(d) The maintenance of the existing radio communications system was an essential component of all United Nations emergency humanitarian operations;

(e) A contribution by the Government in local currency, which had been provided for under previous Memoranda but only paid on three occasions, was necessary for the Programme - in the absence of a special exchange rate for humanitarian operations;

(f) In view of the time lost since the expiry of the last MOU and the importance of the Programme covering the approaching winter months, the duration of the agreement should be until 31 March 1993.

Despite extensive negotiations, wide divergencies remained in the positions of the two parties on the key issues mentioned above. A degree of progress was achieved on certain questions, such as the role of the United Nations Coordinator and the Coordination Committee, as well as on the components to be included in the various sectors covered by the Plan of Action. The United Nations agreed to take into consideration and reflect in the eventual MOU the Government's request for joint preparation of the Plan of Action and for its implementation under the Coordination Committee. Stressing the need to underline the crucial role of NGOs, the United Nations also agreed to take into account and reflect accordingly - subject to an overall consensus on the text - the Government's requirement for the conclusion of separate agreements with NGOs participating in the Programme. Unfortunately, however, the Government was not prepared to modify its position on the question of access and sub-offices and of the deployment of United Nations Guards.

In the course of discussions, particular concern was expressed by the Government of Iraq at the declarations of impending action aimed at imposing an exclusion zone for Iraqi aircraft below the 32nd parallel. An appeal was addressed to me to take up this issue, which the Government maintained to be in contravention of international law. The Deputy Prime Minister explicitly linked the implications of these declarations to the continued presence of the Inter-Agency Humanitarian Programme in the south of the country and the Government's refusal to permit the maintenance of sub-offices under a renewed MOU. The Deputy Prime Minister asserted that sub-offices in the southern region would eventually be misused for inappropriate purposes and maintained that the Inter-Agency Programme was serving political ends. In response, the United Nations strongly emphasized the purely humanitarian mandate of the Programme, the indispensable operational requirement of sub-offices, and the essential need for United Nations Guards in view of the grave security conditions prevailing in the country.

The Deputy Prime Minister further indicated that in the event of such action on an exclusion zone for Iraqi aircraft being put into effect, any eventual MOU would no longer be applicable and the existence of United Nations Guards would no longer be tolerated on Iraqi territory. In addition, the Deputy Prime Minister suggested that any remaining humanitarian personnel in the South be withdrawn as soon as possible to Baghdad so as to ensure their safety in view of the possibility of demonstrations in the Basrah area. Steps were subsequently taken, with my agreement, to recall to Baghdad the eight United Nations Guards and one UNICEF staff member still remaining in Basrah. On 19 August an invitation to visit the southern marshlands was extended to Mr. Eliasson who was authorized to proceed only after the adoption of the MOU. The possibility was accordingly not further explored in view of the lack of agreement on the extension of the MOU.

Mr. Eliasson raised on several occasions the imperative need to ensure the safety of United Nations and NGO personnel, as well as to bring an immediate end to the unacceptable wave of harassment perpetrated against staff based in Baghdad. He also deplored the fact that serious security breaches and incidents of harassment had continued to take place during his own visit. The Minister for Foreign Affairs gave his assurance that every effort would be made to prevent further cases of harassment against United Nations staff.

During the last meeting with the Minister for Foreign Affairs, the latter expressed the view that there would be another opportunity to discuss the Humanitarian Programme and to reach a formula for the extension of the MOU "in a short while". In his view, the door to a practical agreement was not closed: he remained optimistic and hoped that the results achieved, rather than remaining disagreements, would be stressed. He further gave the Government's assurance that "a de facto MOU existed" and that cooperation would be extended to the office of the Coordinator and United Nations programmes and agencies based in Baghdad. The Government would proceed in a "calm, civilized and reasonable manner". Visas and travel permits would be renewed for the staff currently assigned to Iraq but no requests for visas for additional staff would be granted. The "status quo" would apply for the United Nations Guards Contingent: the 120 Guards presently in Iraq could remain but no replacements or additional deployment would be permitted. The Government insisted that offices outside Baghdad and the northern Governorates should be closed forthwith. In addition, the presence of NGOs would not be allowed for the time being.

From the United Nations perspective, the Government's position prevents the Inter-Agency Humanitarian Programme from providing effective humanitarian assistance to vulnerable groups in Iraq. No further United Nations presence, in terms of sub-offices or Guards, is currently permitted in the South of the country. At the same time, the Programme's implementation in the northern Governorates has been brought to a halt: fuel supplies are lacking, thereby preventing the distribution of food from WFP and of supplies for health, sanitation, water and nutrition from UNICEF to a large portion of the population in the North. The latter remain gravely affected by the continued imposition of supply restrictions on food rations, fuel and medical supplies imposed by the Government. The World Food Programme's operations in the North will cease in their entirety in view of the ban imposed on the presence of NGOs, which will prevent the continuation of food distribution currently carried out by CARE.

The discussions in Baghdad on the renewal of the MOU have demonstrated that key issues remain unresolved for the further provision of humanitarian assistance in Iraq. At present, the Programme's staff are making every endeavour to fulfil their mandate from the current locations in Baghdad and the northern region. Under the circumstances indicated above, however, the United Nations will not be in a position to meet the essential humanitarian needs of vulnerable groups: in the absence of a United Nations presence in the South, a reliable assessment of conditions prevailing in that region will not be possible, while in the North, the population will be placed at serious risk if adequate food and fuel supplies are not prepositioned by November and should the Government not reinstate adequate food rations by that date. Such a situation could well lead to a renewed and large-scale displacement of the population.

I would be grateful if you would bring this letter to the attention of the members of the Security Council.

(Signed) Boutros BOUTROS-GHALI